

RESOLUTION NO. 17-16

A RESOLUTION APPROVING AND ACCEPTING A QUITCLAIM DEED AND AGREEMENT FOR WELD COUNTY PARCEL NO. 106119300077

WHEREAS, the Town of Berthoud ("Town") is a statutory municipality within Weld County, Colorado with all powers and authority granted pursuant to Colorado law;

WHEREAS, the Town is responsible for a system of utilities within its corporate limits;

WHEREAS, in keeping with sound land use practices, the Town entered into an Easement Agreement with K. Stanton Lewis, as recorded at Weld County under Document ID Number 2709217 on July 26, 1999, whereby Stanton Lewis granted an easement to the Town to permit the Town to construct utility systems across, through, upon and under the property (the "Utility Easement");

WHEREAS, on March 28, 2002, the Town under Ordinance No. 924, recorded at Weld County under Document I.D. No. 2951310 on May 14, 2002, approved the annexation of a 14.193-acre parcel referred to therein as the Town of Berthoud Utility Second Annexation to the Town of Berthoud (the "Annexation Parcel");

WHEREAS, upon information and belief, the legal description for the Annexation Parcel described portions of a Property not identical to the Utility Easement and, therefore, created an entirely separate parcel identified as Weld County Parcel No. 106119300077 within the Property (the "Excluded Parcel") and, upon information and belief, the Town intended for the location of the Excluded Parcel to be consistent with the location of the Utility Easement, but the legal description creating the Excluded Parcel contains inconsistencies with the legal description for the Utility Easement;

WHEREAS, on October 26, 2007, K. Stanton Lewis's successor Lewis Family Investments LLLP transferred and conveyed Lot B, Recorded Exemption No. 1061-19-3 RE 2055 (RE-2055) to the Town, via the Warranty Deed, recorded under Document I.D. No. 3515330, in the Weld County Clerk and Records on November 11, 2007 ("Lot B"), but the Warranty Deed did not convey the Excluded Parcel.

WHEREAS, because the Warranty Deed did not convey the Excluded Parcel, Lewis Family Investments LLLP has continued to be taxed by Weld County for the land making up the Excluded Parcel.

WHEREAS, the property owner Lewis Family Investments LLLP has tendered a Quitclaim Deed and Agreement dated _____, 2016 ("Deed and Agreement"), a copy of which is attached hereto and incorporated herein by this reference as if set forth fully.


WHEREAS to the extent that there are any inconsistencies between the Excluded Parcel and Utility Easement, both the Excluded Parcel and Utility Easement are being transferred and conveyed to the Town by this Deed and Agreement.

WHEREAS the Berthoud Town Board has reviewed the Quitclaim Deed and Agreement and has concluded that its approval and acceptance is in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, that:

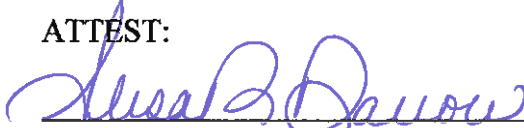
1. The Town is authorized to accept the dedication of the Excluded Parcel from Mr. Lewis subject to the easement.
2. The Town Administrator is hereby authorized to approve and record an acceptable deed of dedication reserving an easement as described above on behalf of the Town of Berthoud.

INTRODUCED, READ, and PASSED on this 13th day of September 2016.



Steve Mulvihill, Mayor

ATTEST:



Alisa R. Darrow, Town Clerk

